

MAY 08 2007

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BY: *S. J. J. J.*
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ROBERT ALLEN BANE,
Plaintiff,

v.

VIRGINIA DEPARTMENT OF
CORRECTIONS, et al.,
Defendants.

Civil Action No. 7:06CV00733

ORDER

By: Hon. James C. Turk
Senior United States District Judge

In accordance with the accompanying Memorandum Opinion, it is hereby

ADJUDGED AND ORDERED

that claims (2) and (3) shall be and hereby are **DISMISSED** without prejudice pursuant to 42 U.S.C.

§ 1997e(a). The Defendants' Motion for Summary Judgment (Dkt. No. 11) shall be and hereby is **GRANTED** as to the rest of the claims and the action is hereby stricken from the active docket of the court.

Plaintiff's Motion for Summary Judgment (Dkt. No. 2), Motion for Evidentiary Hearing (Dkt. No. 15), Motion to Expand the Record (Dkt. No. 24), and Motion for a Protective Order (Dkt. No. 23) are all **DENIED**.

Plaintiff is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within thirty (30) days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk is directed to send certified copies of this Order and the accompanying Memorandum Opinion to Plaintiff and to counsel of record for the Defendants.

ENTER: This 8th day of May, 2007

James C. Turk
Hon. James C. Turk
Senior United States District Judge